

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION - SIOUX CITY**

PEG BOUAPHAKEO, et al.,

Plaintiffs,

vs.

TYSON FOODS, INC.,

Defendant.

Civil No. 5:07-cv-04009-JAJ-TJS

**PLAINTIFFS' PROPOSED QUESTIONS TO BE
PROPOUNDED TO PROSPECTIVE JURORS
ON VOIR DIRE EXAMINATION**

COME NOW Plaintiffs in the above-styled action, and respectfully request that the following questions be propounded to the prospective jurors on voir dire examination. Plaintiffs further request that this Court allow additional follow-up questions to be asked by the Court or counsel as may be appropriate based upon the responses given by the prospective jurors to these questions.

1. Do any of you know any of the following people who may be witnesses in this case:

Adrian Dimes

Altoria Champion

Andy Boutdarith

Angie Souvandy

Anthony Barnes

Anthony Scheidel

Anthony Will Cooper

Arlin Prins

Barb Cresap

Benjamin R. Jacobs

Bill Jordan

Brandon Blissit

Brent Nelson

Brett Stevens

Brian Book

Brian Fryar

Brian Henley

Candi Phelps

Carrie Scheidel

Casey Kearns

Cassius Murry

Charles S. King

Christy Jepsen

Compton McDonald

Courtney Knutson

Craig Hardison

Curtis Andersen

Daisy Renteria

Dale Cates

Dale E. Cates

Dale T. Sharp

Daniel Lindgren

Daniel W. Brown

Danny Green

Danny Paul Hacker, Jr.

Darrow E. Miller

Dawn R. McConnaughey-Pullen

Dennis Frederick

Dennis Prater

Don Brown

Don Smith

Donald Fitchett

Doug Knoke

Doug White

Douglas Mundan

Douglas Munden

Edgar Lopez

Edwin Bradley

Elia Betancourt

Elizabeth J. Stough

Elizabeth Vaske

Farries L. Jennings, Jr.

Florence R. Manly

Gary Christen

Gary Herrig

Gary M. Kittelson

Gary Ward

George Busby

Ginny Ernst

Harold Slater

Henry Kruckenberg

Heribento Renteria

Hilario Reyes

Humberto Garcia

Ignacio Medina

James Appling

James Nelson

James P. Brown

James R. Lehmkuhl

Jamie C. Roberts

Jason Evans

Javier Frayre

Jay Randall Olsen

Jeffery W. Booher

Jeremy J. Fineran

Jerry Loraditch

Jesus A. Montes

Jesus Banda

Jesus Carlos Balderas

Jevon Burgin

Jim Schmitz

Jodi L. Ayers

John Baymon

John Campbell

John Peterson

John Sebben

Jorge Sandoval

Jose Garcia

Karen Allen

Karen J. Hogan

Ken Mericle

Kenneth J. Kimbro

Kenneth Knecht

Kenneth M. Crouse

Kris Jimenes

Larry Collins

Lawson Jackson

Leslie Peters

Leticia Montes

Liesl M. Fox

Lonny Jepsen

Louis Harris-Bey

Marc Bickhem

Marcel Chapman

Maria Leon

Mario Martinez

Marnita R. Ross

Martha Nunez

Masudur Rahman

Matt Meyer

Mike Sturtevant

Moises Garcia

Mrylon Kizer

Neil Lerssen

Nicholas Lavan

Nicolas Lovan

Ninoska Balderas

Nirta A. Hoffman

Pamela Grooms

Paul Adams

Paul Baumann

Paul V. Huffey

Paula Briner

Peg Bouaphakeo

Pete Rollinger

Peter Malishka

Peter Nickerson

Quintin M. Ducksworth

Randall G. Mobley

Randall Jones

Rick Petersen

Robecca Ruci

Robert D. Buckholtz

Robert F. Jennings

Robert Lee Johnson

Robert Martin

Robert Schneller

Robin Book

Ronald M. Davis

Ronald Peters

Ronda Litras

Sarah Baxter

Shawn R. Hyde

Silvestre Espinoza

Simeon Brooks

Stacey L. Adams

Steven Sippel

Steven Souvandy

Thomas Alday

Thomas Harat

Tonney Randle

Veronica Belmer

William E. Sager

William Haukap

Willie Cork

Willie M. Martin

Yancy Smith

2. Have any of you ever had a position with a company which gave you the authority to hire, promote/reclassify, suspend, terminate or make other personnel decisions?

3. Have any of you ever owned your own business?

4. Have any of you ever operated a business for someone else?

5. Have any of you ever held a position in management for any company?

6. Have any of you ever worked for a personnel department of any company?

7. Have you ever resigned from a job?

8. Have you ever been terminated or laid off from a job?

9. Have you ever been suspended from a job?

10. Are there any organizations (other than religious) in which you or your spouse are dues paying members?

11. At your employer, are you paid by the hour?

12. At your employer, are you paid by a salary?

13. Are you eligible for overtime for more than 40 hours per week?

14. Have you ever been denied payment for work you performed for your employer?

15. Does anyone think that the lawmakers have gone too far in making laws to regulate how people are treated at work?

16. Do you believe that state or federal governments should regulate private employer's wages or overtime?

17. Does anyone here have feelings or thoughts against giving people financial compensation for injuries that they suffered?

18. Does anyone here have feelings or thoughts against giving people financial compensation for unpaid overtime work?

19. Do you know anyone who works for the defendant, **Tyson Food, Inc.**?
If so, who is the person and what is their job?

20. Is there anyone here who, if the evidence so warrants, will have difficulty awarding money damages against the defendant, **Tyson Foods, Inc.**?

21. Have any of you ever worked for or had any dealings with the following?

1. Tyson Foods, Inc.;
2. Tyson Fresh Meats, Inc.;
3. A chicken processing plant;
4. A meat processing plant;
5. A food processing plant; or

6. A law firm, a judge, or in the judicial system.

22. Have you personally met the lawyers for the defendant or anyone else you may believe may be associated with their office?

23. Is there anyone here who for any reason (religious, philosophical, etc.) does not feel that he or she can sit and decide or “judge,” this case without prejudice toward the plaintiff or her attorneys?

24. Do you believe you should be compensated for all work that you perform for your employer?

25. Do you believe that there is some work you perform which your employer should not have to pay you for performing, and if so, what type of work is this?

26. Have you ever been employed in a job in which you were not paid for all work activities your employer required you to perform?

27. Have any of you ever been employed in a job position in which you were required to use a time clock for recording your attendance or time? If so, what was your job position?

28. Have any of you ever had an employer refuse to honor an agreement with you concerning your pay and benefits?

29. Has any member of your family ever been sued before, if so, what was the outcome of the case?

30. Does anyone here have feelings or thoughts against giving people financial compensation in order to repay them the wages that they should have been paid for their labor?

31. Are any of you required to put on special clothing or protective equipment to perform your work for your employer, such as arm guards, mesh chest guards, mesh chain gloves, frocks, or hair nets. If so, what type of clothing or protective equipment?

32. Are any of you required to wash or sanitize your hands or company issued equipment that you use to perform your work for your employer?

33. If any of you are required to put on special protective equipment to perform your work for your employer, are you compensated for the time you spend cleaning and/or sanitizing this equipment?

34. To each individual juror: What are the two most important issues to you in your life?

35. To each individual juror: What are the two most serious problems facing our society today?

36. Do any of you have a negative opinion of labor unions?

37. Do you or any of your family members belong to a labor union? If so, which one?

38. Do any of you know anyone else on this jury panel?

39. Do any of you believe we have too many lawsuits, that people are “sue happy,” or are too quick to file a lawsuit?

40. Do any of you view negatively someone who files a lawsuit? Or a lawyer who regularly represents plaintiffs?

41. Do any of you have bumper stickers on your car? If so, what is the message on the sticker?

42. Does anyone believe that employees should just be glad they have any job, regardless of how they are paid?

43. For those of you who have worked on an assembly line, were you expected to be on the line at a certain time?

44. Do any of you have any opinions about how assembly line employees are treated by companies/supervisors?

45. Have any of you worked for an employer that had a policy about working overtime?

46. This case is about how Tyson pays its employees. Do any of you think that it is wrong to bring a lawsuit seeking to be paid for overtime that was owed to you?

47. Have any of you ever taken any steps to settle disputes between employees, or between employees and management?

48. Have any of you or a close family member ever had a pay reduction?

49. Do any of you speak a language other than English? If you do, what language do you speak?

50. How many of you have traveled outside of the United States? If so, where have you traveled?

51. Some of the employees at Tyson are immigrants. Would this fact cause you to feel pre-disposed to be sympathetic toward Tyson employees or hostile toward Tyson?

Respectfully submitted,

/s/ Candis A. McGowan

Candis A. McGowan

Robert L. Wiggins

OF COUNSEL:
WIGGINS, CHILDS, QUINN & PANTAZIS, L.L.C.
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
(205) 314-0500
(205) 254-1500 (facsimile)

BRIAN P. MCCAFFERTY
Kenney & McCafferty
3031 C Walton Road, Suite 202
Plymouth Meeting, P A 19462
(610) 940-0327
(610) 940-0284 (facsimile)

MICHAEL HAMILTON
Provost Umphrey Law Firm, LLP
2021 Richard Jones Road, Suite 300
Nashville, TN 37215
(615) 242-0199
(615) 256-5922 (facsimile)

ROGER K. DOOLITTLE
460 Briarwood Drive, Suite 500
Jackson, MS 39206
(601) 957-9777
(601) 957-9779 (facsimile)

Attorneys For Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on counsel via electronic mail delivery of same, properly addressed, to the following:

Allison Dana Balus
Baird Holm, LLP
1500 Woodmen Tower
Omaha, NE 68102

David J. Kramer
Baird Holm LLP
1500 Woodmen Tower
Omaha, NE 68102

Evangeline C. Paschal
Hunton & Williams, LLP
1900 K. Street, NW
Washington, DC 20006

Heidi Ann Guttan-Fox
Baird, Holm, McEachen, Pedersen, Hamann & Strasheim
1500 Woodmen Tower
Omaha, NE 68102

Michael J. Mueller
Hunton & Williams LLP
1900 K. Street, NW
Washington, DC 20006

Steven D. Davidson
Baird Holm McEachen Pedersen Hamann & Strasheim
1500 Woodmen Tower
Omaha, NE 68102

This 20th day of October, 2010.

/s/ Candis A. McGowan
OF COUNSEL